

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TIVO INC., a Delaware corporation,

Plaintiff,

v.

VERIZON COMMUNICATIONS INC.,
a Delaware corporation, et al.,

Defendants.

Civil Action No. 2:09-cv-257-JRG

STIPULATION AND JOINT MOTION FOR ENTRY OF CONSENT JUDGMENT

Plaintiff TiVo Inc. ("TiVo") and Defendants and Counterclaim Plaintiffs Verizon Communications Inc., Verizon Services Corp., Verizon Corporate Resources Group LLC, Verizon Corporate Services Group Inc., and Verizon Data Services LLC (collectively "Verizon") (with TiVo, the "Parties" and each individually, a "Party"), by and through counsel, stipulate as follows:

This Stipulation and Joint Motion For Entry of Consent Judgment is made pursuant to Rule 41 of the Federal Rules of Civil Procedure and agreements between the Parties.

The Parties have also submitted a separate Stipulation and Joint Motion To Dismiss With Prejudice in which the parties stipulated to and requested the dismissal with prejudice of (i) all of TiVo's claims and counterclaims against Verizon in the above-captioned action and (ii) all claims and counterclaims made by Verizon against TiVo in the above-captioned action (including all claims which Verizon previously dismissed without prejudice), with each party to bear its own costs and attorneys' fees. By this Stipulation and Joint Motion for Entry of Consent Judgment, the Parties further agree to the Court's entry of a Consent Judgment as set forth herein.

Verizon agrees that it has not sustained its burden of proving invalidity of U.S. Pat. Nos.

7,529,465, and 7,493,015 and that the foregoing TiVo patents are valid. Verizon consents to the entry of judgment against Verizon on Verizon's counterclaims seeking a judicial declaration that these patents are invalid. Verizon and TiVo further waive any right to appeal the Consent Judgment, to the extent that any such right may exist, and agree that upon entry by the Court such Consent Judgment is final and not appealable.

Accordingly, pursuant to Rule 41 of the Federal Rules of Civil Procedure and agreement between the Parties, the Parties hereby request that the Court enter a consent judgment with regard to Verizon's Count V (Declaratory Judgment of Invalidity (U.S. Patent No. 7,529,465)) and Count VI (Declaratory Judgment of Invalidity (U.S. Patent No. 7,493,015)) seeking a judicial declaration regarding the validity of the foregoing TiVo patents as follows:

a. Verizon has not sustained its burden of proving invalidity of U.S. Patent Nos. 7,529,465 (claims 1-20) and 7,493,015 (claims 1-24);

b. Judgment is entered in favor of TiVo, and against Verizon, on Verizon's counterclaims entitled Verizon's Count V (Declaratory Judgment of Invalidity (U.S. Patent No. 7,529,465)) and Count VI (Declaratory Judgment of Invalidity (U.S. Patent No. 7,493,015)) seeking a judicial determination and declaration regarding the validity of U.S. Patent Nos. 7,529,465 and 7,493,015; and

c. This judgment is final and the parties have waived any right to appeal therefrom.

Text of a proposed Consent Judgment has been lodged concurrently herewith.

Dated: September 28, 2012

Respectfully submitted,

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**Counsel for Verizon Communications Inc., Verizon Services Corp.,
Verizon Corporate Resources Group LLC, Verizon Corporate Services Group Inc.,
and Verizon Data Services LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on September 28, 2012. Any other counsel of record will be served via electronic and first class mail.

Respectfully submitted,
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